

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SOVERAIN SOFTWARE LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. 6:07-CV-00511-LED
)	
CDW CORPORATION,)	JURY TRIAL DEMANDED
NEWEGG INC.,)	
REDCATS USA, INC.)	
SYSTEMAX INC.,)	
ZAPPOS.COM, INC.,)	
REDCATS USA, L.P.,)	
THE SPORTSMAN'S GUIDE, INC.,)	
AND)	
TIGERDIRECT, INC.,)	
)	
Defendants.)	
)	

ORDER GRANTING LEAVE TO FILE AMENDED CLAIM CONSTRUCTION

Having considered the parties' Joint Motion for Leave to File Amended P.R. 4-3 Claim Constructions and Prehearing Statement dated March 20, 2009 and attachments (collectively, the "Amended P.R. 4-3 submissions"), the Court finds that the Motion should be GRANTED, and orders as follows:

- (1) The parties are granted leave to file the Amended P.R. 4-3 Claim Constructions and Prehearing Statement accompanying the Motion.
- (2) The Court adopts the claim constructions in *Soverain Software LLC v. Amazon.com, Inc.*, 6:04-cv-14 (the "Amazon Markman Order") in the present case, except where expressly disputed in the Amended P.R. 4-3 submissions. In particular, subject to the preceding condition, claim terms for U.S. Pat. Nos. 5,715,314 and 5,909,492 asserted in the present case will have the same meaning as construed in the *Amazon* Markman Order, and the claim terms common to U.S.

Pat. No. 5,708,780 (asserted in Civil Action 6:04-cv-14) and its continuation U.S. Pat. No. 7,272,639 (asserted in the present case) will have the same meaning as construed in the *Amazon* Markman Order.

(3) Defendants Newegg Inc., Systemax Inc, and TigerDirect, Inc. will preserve their right to appeal such claim constructions adopted from the *Amazon* Markman Order where expressly indicated in Exhibit A in the Amended P.R. 4-3 submissions. Any appeal from such claim constructions is to be limited to the record in *Soverain Software LLC v. Amazon.com, Inc.*, 6:04-cv-14, in particular: the respective P.R. 4-3 submissions, the parties' claim construction briefs, the Markman hearing transcript, and the *Amazon* Markman Order.

So ORDERED and SIGNED this 24th day of March, 2009.

A handwritten signature in black ink, appearing to read "LEONARD DAVIS".

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**